

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 14697 of Moon Hee Park, pursuant to 11 DCMR 3108.1 and 3107.2, for a special exception under Section 2003 to change a nonconforming use, first floor, from retail drugstore and restaurant, no seats, pre-packaged food, only to a restaurant/carryout, seating 16, or in the alternative, a variance from the use provisions (Sub-section 330.5) to allow a restaurant/carryout, seating 16, in an R-4 District at premises 728 F Street, N.E., (Square 891, Lot 49).

HEARING DATES: October 21, 1987 and January 13, 1988  
DECISION DATE: January 13, 1988 (Bench Decision)

ORDER

The application was scheduled for the public hearing of October 21, 1987. The representative of the applicant appeared at that public hearing and requested a continuance of the hearing on the application to allow the applicant to meet with the Advisory Neighborhood Commission and other community groups to present the merits of the case. There was opposition to the granting of the continuance. In addition, a representative of Capitol Hill Restoration Society requested that the type of relief advertised be changed to a use variance rather than a special exception. The Board directed staff to re-schedule the application for the public hearing of January 13, 1988 and to re-advertise the case as seeking a special exception or, in the alternative, a use variance.

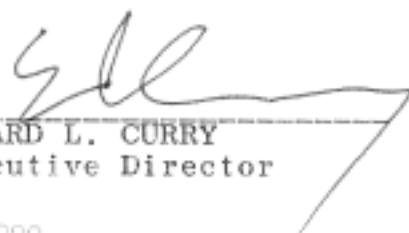
At the public hearing of January 13, 1988, the application was called several times. There was no response from the applicant or any other person representing the applicant. The staff received no communication from the applicant that he would not appear at the public hearing. Several persons in opposition to the application were present at the public hearing.

Upon consideration of the foregoing facts, it is ORDERED that the application is DISMISSED for failure of prosecution.

VOTE 4-0 (William F. McIntosh, Lindsley Williams, Paula L. Jewell and Charles R. Norris to dismiss; Carrie L. Thornhill not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
EDWARD L. CURRY  
Executive Director

FINAL DATE OF ORDER: \_\_\_\_\_

MAR 21 1988

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

order14697/DEE6



GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



ORDER DISMISSING APPLICATION NO. 14698

PUBLIC MEETING DATE: October 7, 1987  
DECISION DATE: October 7, 1987 (Bench Decision)

ORDER

The subject application was accepted for filing in the Office of the Zoning Secretariat on August 25, 1987. Subsequent review by staff of the Zoning Secretariat revealed that the application did not meet the basic filing requirements in that the letter of authorization which was filed with the application was signed by the owner of the business and/or apartment unit rather than the owner of the subject property and further, that the application did not include the names and mailing addresses of all persons having a lease for all or part of the subject property.

By letter dated September 8, 1987, counsel for the applicant was informed by the Office of the Zoning Secretariat that the application was deficient as noted above. The letter further advised the applicant that the matter would be put before the Board at its public meeting of October 7, 1987 for resolution.

By letter dated October 6, 1987, counsel for the applicant submitted the list of lessees and a letter from the management agent for the subject property authorizing the filing of the application.

At its public meeting of October 7, 1987, the Board determined that there was insufficient evidence that authorization for filing by the owner of the subject property had been received. The Board notes that two applications involving the subject property have recently been processed. Both applications were authorized for filing by Edward H. Kaplan, Partner, 4000 Massachusetts Avenue Joint Venture. Neither the business/unit owner nor the management agent who submitted letters of authorization in the subject case evidenced that they had authorization to proceed from the owner.

Section 3303.1 DCMR 11 provides that the owner of a property for which application is made, or an authorized agent, may file an application before the Board. Section 3303.1 further provides that a letter signed by the owner